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SUBJECT: BELGRADE TOUTS ICJ RULING AS A "NOT GUILTY" VERDICT FOR  
SERBIA

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SUMMARY  
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¶1. (SBU) In early reactions, Serbian political parties, media and the government are touting the ICJ ruling today that Serbia failed to prevent genocide in Srebrenica and to punish those responsible as a "not guilty" verdict for the people and for the State, and a victory for international justice. Although the reactions we are reporting here are only initial, we have seen no acknowledgement of the fact that the ICJ apparently seconded an early ruling by ICTY that (Bosnian) Serb forces committed genocide at Srebrenica. Despite strong urging from the ICJ for Serbia to cooperate better with the ICTY that came with the verdict, it is unlikely that this verdict will result in any immediate movement on the Mladic front. End Summary.

THE ICJ RELEASES IT RULING  
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¶2. (SBU) The International Court of Justice released its findings February 26 in a three-hour media session and ruled that although then-Serbia and Montenegro (SCG) had violated some of its obligations as stipulated by the Genocide Convention, it could not be held directly responsible for the genocide which occurred in Srebrenica (it did not rule that genocide was committed throughout Bosnia and Hercegovina, but did make specific reference to genocide in Srebrenica). It found that SCG failed to use its influence to prevent genocide, and that it also failed to punish the act -- in a direct reference to Ratko Mladic and Radovan Karadzic and other indictees. The court did not order any damages to be paid to Bosnia, but stressed that Serbia should immediately fulfill its obligations to ICTY.

¶3. (SBU) Official reaction to the announcement has been trickling out, and initial signs are that the entrenched political elite will trumpet this as a victory for Serbia. Ivica Dacic from the Socialist Party released a statement within an hour of the ruling stating that the decision is meaningful not only for the government and the people, but also for his party, which was in power during the war. He reportedly also suggested that it undermined the ICTY strategy of "command responsibility" for war crimes. On the other hand, a representative from the Belgrade-based NGO Youth Initiative for Human Rights expressed his shock at the ruling, and that it did nothing for the Serbian people, or for the victims of the massacre. On the whole, though, representatives from all the major political parties are speaking with one voice and stating that the court has proved once and for all that Serbia was not a "co-conspirator" at Srebrenica.

¶4. (SBU) Local media outlets, regardless of their political slant, are also touting the decision as a victory for Serbia - progressive news website B92 claims "Serbia is not guilty of genocide," while

pro-government Politika's website leads with "SCG: Not Guilty for the Genocide in Srebrenica". International media, meanwhile, are highlighting the single ruling against Serbia and stating that "Serbia failed to prevent genocide".

¶5. (SBU) Following the broadcast, some Serbian political analysts stated that the ruling has shifted the majority of the blame onto Republika Srpska, and that this will create significant tensions within the Bosnian Federation, making a lasting agreement between the entities a difficult - if not impossible - proposition.

Comment

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¶6. (SBU) We expect a fuller reaction from official Belgrade on February 27. Disappointingly, we have not yet seen any acknowledgement (or contrition) over the fact that the ICJ agreed with the ICTY (Krstic case) that Serb forces did indeed commit genocide at Srebrenica. This is significant, given the widespread public denial of Serb crimes in B-H and elsewhere. For instance, only 30 percent of Serbs, according to numerous polls, believe that Serb forces killed large numbers of Muslims in Srebrenica.

¶7. (SBU) Given the total lack of progress on the hunt for Mladic under Serbia's "Action Plan," the new ruling will almost certainly have little or no effect on the political will of the current caretaker government to do more to cooperate with ICTY. Indeed, nationalists here may argue that Serbia -- exonerated of a direct role in Srebrenica -- has even less of an obligation to cooperate. Hopefully, clearer-minded politicians will turn the argument around the other way -- that a democratic Serbia has a moral and legal obligation to bring the perpetrators of genocide to justice.

MOORE